

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICARDO M. SOMOZA,

Plaintiff,

v.

DIRECTOR OF CALIFORNIA
DEPARTMENT OF CORRECTIONS
AND REHABILITATION, et al.,

Defendants.

No. 1:20-cv-01600-AWI-SKO (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION FOR PRELIMINARY
INJUNCTION**

(Doc. Nos. 9, 11)

Plaintiff Ricardo M. Somoza is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought under 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 12, 2021, the assigned magistrate judge issued findings and recommendations, recommending that Plaintiff's motion for a preliminary injunction (Doc. 9) be denied.¹ Doc. No. 11. The magistrate judge found that (1) Plaintiff fails to show that he is likely to succeed on the merits of his claims or that he is likely to suffer irreparable harm without his requested relief and (2) the claims in his motion are unrelated to the claims at issue in this case. *Id.* at 2. The findings and recommendations were served on Plaintiff and provided him 14 days to file objections

¹ The motion is titled, "Motion and Request for Extention [sic] of Time / or Temporary Leave." (Doc. 9 at 1.) The magistrate judge construed it as a motion for a preliminary injunction. (Doc. 11 at 1.)

1 thereto. Id. at 3. Plaintiff filed objections on August 30, 2020. Doc. No. 13.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
3 *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff's
4 objections, the Court finds the findings and recommendations to be supported by the record and
5 proper analysis. The Court agrees with the magistrate judge's findings that Plaintiff fails to show
6 that he will likely succeed on the merits of his claims or suffer irreparable harm in the absence of
7 the requested injunction. The Court also agrees that Plaintiff's motion is unrelated to the claims in
8 this action. Plaintiff's objections do not address these findings. Indeed, the claims and requested
9 relief in Plaintiff's objections are unrelated to the claims and requested relief in his motion.

10 Compare Doc. No. 13 with Doc. No. 9.

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. The findings and recommendations issued on August 12, 2021 (Doc. No. 11) are
13 ADOPTED in full; and,
14 2. Plaintiff's motion for a preliminary injunction (Doc. No. 9) is DENIED.

15 IT IS SO ORDERED.

16 Dated: September 2, 2021

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18 SENIOR DISTRICT JUDGE
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